

1 JAMES D. BOYLE, ESQ.
2 Nevada Bar No. 8384
3 E-mail: jboyle@nevadafirm.com
4 HOLLEY, DRIGGS, WALCH,
5 FINE, WRAY, PUZEY & THOMPSON
6 400 South Fourth Street, Third Floor
7 Las Vegas, Nevada 89101
8 Telephone: 702/791-0308
9 Facsimile: 702/791-1912

7 DAVID H. BECKER, ESQ. (*Pro Hac Vice*)
8 Oregon Bar No. 081507
9 Law Office of David H. Becker, LLC
10 917 SW Oak St., Suite 409
11 Portland, Oregon 97205
12 (503) 388-9160
13 davebeckerlaw@gmail.com

11 *Of Attorneys for Plaintiffs*

14 UNITED STATES DISTRICT COURT
15 DISTRICT OF NEVADA

17 JUDY BUNDORF, *et al.*,
18 Plaintiffs,
19 v.

20 RYAN ZINKE¹, *et al.*,
21 Defendants,
22 and
23 SEARCHLIGHT WIND ENERGY, LLC
24 Intervenor-Defendant.

CASE NO.: 2:13-cv-616-MMD-PAL

**[PROPOSED] ORDER ON ATTORNEYS'
FEES AND COSTS PURSUANT TO THE
EQUAL ACCESS TO JUSTICE ACT**

26
27 ¹ Ryan Zinke, S.M.R. Jewell's successor as Secretary of the Interior, is automatically substituted as a party under Fed. R. Civ. P. 25(d).

1 This matter came before the Court, Honorable Miranda M. Du, United States District
2 Judge presiding, on Plaintiffs Judy Bundorf, Friends of Searchlight Desert and Mountains, Basin
3 and Range Watch, Ellen Ross, and Ronald Van Fleet, Sr.'s motion and amended motion for
4 attorneys' fees and costs pursuant to the Equal Access to Justice Act ("EAJA"). ECF Nos. 153,
5 171. The Court had previously granted summary judgment in part in favor of Plaintiffs and
6 vacated the Record of Decision, Final Environmental Impact Statement, and the Biological
7 Opinion for the Searchlight Wind Energy Project. ECF Nos. 90, 132, 133.

8 The Court, having reviewed Plaintiffs' amended motion for attorneys' fees and costs
9 (ECF No. 171) and reply in support of that motion (ECF No. 190), together with the supporting
10 documents filed by Plaintiffs (ECF Nos. 172-82, 191-92) and the opposition filed by Federal
11 Defendants Ryan Zinke, Bureau of Land Management, and U.S. Fish & Wildlife Service (ECF
12 No. 187), issued an Order granting Plaintiffs' motion for attorneys' fees and costs. ECF No. 201.

13 Therefore, IT IS HEREBY ORDERED that Plaintiffs' motion and amended motion for
14 attorneys' fees and costs are GRANTED to the extent set forth herein;

15 IT IS FURTHER ORDERED that Plaintiffs be awarded \$467,993.34 in attorneys' fees
16 and costs against the Federal Defendants pursuant to the EAJA, which award is comprised of:

- 17 1. Attorneys' fees in the amount of \$444,354.86 (Exhibit I to the Second Declaration of
18 David H. Becker, ECF No. 191-2, summarizing all attorneys' fees, costs, and
19 expenses requested, including reductions where billing entries were block billed);
- 20 2. Fees for paralegals in the amount of \$2,216.50 (ECF No. 191-2);
- 21 3. Science expert costs in the amount of \$18,439.17 (ECF No. 191-2); and
- 22 4. Other costs and expenses in the amount of \$2,982.81 (ECF No. 191-2).

23 **IT IS SO ORDERED.**

24 

25
26 Miranda M. Du
UNITED STATES DISTRICT JUDGE

27 **DATED:** September 4, 2018

1 Respectfully submitted this 31st day of August 2018.

2 /s/ David H. Becker
3 DAVID H. BECKER, ESQ., *Pro Hac Vice*
4 Oregon Bar No. 081507
5 E-mail: davebeckerlaw@gmail.com
6 Law Office of David H. Becker, LLC
7 833 SE Main Street # 302
8 Portland, OR 97214
9 (503) 388-9160

10 *Of Attorneys for Plaintiffs*

11 **LOCAL RULE 7-2(f) CERTIFICATION**

12 In accordance with Local Rule 7-2(f), undersigned counsel certifies that the [Proposed]
13 Order accurately reflects the Court's ruling, that I served a copy of this [Proposed] Order by
14 electronic mail to all opposing counsel of record on August 22, 2018 to the electronic mail
15 addresses listed in the most recent CM/ECF notice from the Court, that three business days have
16 passed, and that no reasons for disapproval were received from any opposing counsel.

17 /s/ David H. Becker
18 DAVID H. BECKER, ESQ., *Pro Hac Vice*
19 Oregon Bar No. 081507
20 E-mail: davebeckerlaw@gmail.com
21 Law Office of David H. Becker, LLC
22 833 SE Main Street # 302
23 Portland, OR 97214
24 (503) 388-9160

25 *Of Attorneys for Plaintiffs*